

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JERMEAL WHITE	:	Case No. 1:19-cv-33
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
MICHAEL DILLOW,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 50) AND
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on August 20, 2020, submitted a Report and Recommendation. (Doc. 40). Plaintiff filed timely objections on September 1, 2020. (Doc. 51). Defendant Michael Willow filed a response to Plaintiff's objections on September 15, 2020. (Doc. 52).

After reviewing the Report and Recommendation, Plaintiff's objections, Defendant's response to Plaintiff's objections, and the case record, the Court finds that Plaintiff's objections are not well-taken.

Plaintiff's objections do not identify errors of the Magistrate Judge, but instead restate arguments that he made in the opposition to motion for summary judgment. (Doc. 42). "Merely restating arguments previously presented, stating a disagreement with a magistrate judge's suggested resolution, or simply summarizing what has been presented before is not a

specific objection that alerts the district court to the alleged errors on the part of the magistrate judge.” *Martin v. E.W. Scripps Co.*, No. 1:12CV844, 2013 WL 5876172, at *2 (S.D. Ohio Oct. 30, 2013).

Here, Plaintiff’s objections merely reargue that he did not fail to exhaust his administrative remedies. (Doc. 51 at 2–5). Yet the Court finds that the Magistrate Judge properly analyzed Defendant’s motion for summary judgment. The Court agrees with the Report and Recommendation’s conclusion that Plaintiff failed to exhaust his administrative remedies because he did not undertake all of the steps of the grievance process before filing this claim as required by the Prison Litigation Reform Act. (Doc. 50 at 4–6).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that Plaintiff’s objections (Doc. 51) should be and are hereby **OVERRULED** and the Report and Recommendation (Doc. 50) should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) Defendant motion for summary judgment (Doc. 39) is **GRANTED** and this case is **DISMISSED with prejudice**.
- 2) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 10/22/2020

s/Timothy S. Black
Timothy S. Black
United States District Judge